

PATENT COOPERATION TREATY

PCT



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 03 OCT 2005

WIPO PCT

Applicant's or agent's file reference TBS67517WOP		FOR FURTHER ACTION		See Form PCT/PEPA/15
International application No. PCT/GB2004/002740		International filing date (day/month/year) 24.06.2004	Priority date (day/month/year) 24.06.2003	
International Patent Classification (IPC) or national classification and IPC A61G7/10, A61F15/00				
Applicant PIKE, Anthony Bruce				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 1 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 807 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 18.04.2005		Date of completion of this report 30.09.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5518 Petenlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tlx 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Birlanga Pérez, J-M Telephone No. +31 70 340-4889 		

**INTERNATIONAL PRELIMINARY REPORT
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-7 as originally filed

Claims, Numbers

1-7 filed with telefax on 18.04.2005

Drawings, Sheets

1/3-3/3 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☒ the claims, Nos. 8-10
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-7
	No: Claims	1
Inventive step (IS)	Yes: Claims	
	No: Claims	1-7
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

- 1 Reference is made to the following documents:

D1: US-A-4 051 565 (BERGE TRYGVE) 4 October 1977 (1977-10-04)
D2: EP-A-0 966 892 (SIEWERT RONALD R) 29 December 1999 (1999-12-29)
D3: US-A-3 648 291 (PANKERS ALVA L) 14 March 1972 (1972-03-14)

- 2 The present application does not meet the criteria of Article 33(1) PCT.

- 2.1 In the description (page 2, lines 24 - 29) a material fulfilling the conditions of friction disclosed in claim 1 is described as a known and commercialized product. Therefore, a sheet of this known material would have all the technical features of claim 1 rendering it not novel.

- 2.2 Document D1 discloses a medical protection sheeting formed from Teflon (in sheet or woven or coated fabric form) (column 3, lines 36 - 47, figure 1) and having therefore a coefficient of static friction (teflon-teflon) substantially the same as its coefficient of dynamic friction. This value is lower than 0.4.

Document D2 (§48, §49) also discloses a medical protection sheeting formed from two woven materials with a coefficient of friction between both lower than 0.3.

Therefore the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

- 2.3 Dependent claims 2 to 7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step, the reasons being as follows:

Inventive step:

D3, the whole document; for claims 6 and 7

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In claims 2 to 5 slight constructional changes in the medical protection sheeting of claim 1 is defined which comes within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of claims 2 to 5 also lacks an inventive step.

Re Item VII

Certain defects in the international application

- 3 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

Re Item VIII

Certain observations on the international application

- 4 Claim 1 is not supported by the description as required by Article 6 PCT, as its scope is broader than justified by the description and drawings. See page 1, lines 1 - 34 and figure 5.
- 5 Claim 1 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claim attempts to define the subject-matter in terms of the result to be achieved (coefficient of static friction less than 0.4 and coefficient of static friction substantially the same as its coefficient of dynamic friction), which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result.
- 6 The application does not meet the requirements of Article 6 PCT, because claim 1 is not clear. Coefficient of friction depends on two surfaces and therefore it is not clear in claim 1 in relation to which other surface is given the coefficient of friction.

CLAIMS

1. A medical protection sheeting formed from woven material characterised in that the material has a coefficient of static friction less than 0.4 and that the coefficient of static friction is substantially the same as its coefficient of dynamic friction.
2. A protection sheeting as claimed in any of the preceding claims wherein the linear density of the material is between 1000 and 40 decitex.
3. A protection sheeting as claimed in claim 4 wherein the linear density is 470, 350 or 50 decitex.
4. A protection sheeting as claimed in claim 4 or 5 wherein the weight of the material is between 200 and 50 gm/m².
5. A protection sheeting as claimed in claim 4 wherein the material's weight is 180 gm/m² for the 350 decitex material and about 62 gm/m² for the 50 decitex material.
6. A protection sheeting as claimed in any one of claims 1 to 7, formed as a bootee (30) with one or more layers of the material.
7. A protection sheeting as claimed in claim 8 wherein the bootee (30) is formed without a toe.